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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,130	02/27/2004	Naoyuki Ezuka	Q80148	4669

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EXAMINER

ALIMENTI, SUSAN C

ART UNIT PAPER NUMBER

3644

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/787,130

Applicant(s)

EZUKA, NAOYUKI

Examiner

Susan C. Alimenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 5, 6, and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 15 July 2005.

Claim Objections

2. Claims 1-13 are objected to because of the following informalities: The preamble in claims 7-9 recites a “fishing reel,” while claims 10-13 recite a “fishing rod.” The preamble should be consistent. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. There is insufficient support in the original disclosure for the phrase “concealing film” so as to enable one of ordinary skill in the art to make and use the same. Support for a “concealing film” is found on page 9 of the specification, however, it is only noted that the film

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must have “concealing properties.” It is unclear what is meant by this description. The specification should further detail what “concealing properties” encompasses. No new matter should be added.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “visually confirmable” is awkward and confusing, and renders the meaning of the claim indefinite.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 5,048,223).

Yamamoto et al. '233 (Yamamoto '233) discloses a fishing reel comprising a rod pipe 11 that is inserted into a reinforced tubular body 12, and a synthetic resin body 13, 14 (col.4, lns.41-48) that is integrally molded with an outer side of the tubular body 12.

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9. Claims 7-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (US 6,105,302).

Yamamoto et al. '302 (Yamamoto '302) discloses a fishing reel comprising a rod pipe 1, a reinforced tubular body 2 made of a reinforced synthetic resin (col.3, lns.45-50), and a synthetic resin body 42, 43 which is integrally molded to an outside of the tubular member 2. The synthetic resin body is disclosed as optionally being made of a synthetic resin (col.4, ln.37), or a foamed resin material (col.3, lns.63-64), both of which are softer than the reinforced pre-impregnated resin of the tubular member 2.

Regarding claims 8 and 9, the tubular body is inside member 42 of the resin body and is projected or extends in an axial direction of the tubular body.

Regarding claim 10, the tubular body 2 is made from a fiber reinforced plastic.

Regarding claim 11, member 41 is optionally made from a foamed material, artificial cork, or natural cork (col.3, lns.63-64).

Regarding claim 13, a reel mount is meant to fit inside portion 43 of the resin body (Figure 6).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 1-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto '302 as applied to claims 7-11 and 13 above, and further in view of Wallace (US 3,778,916).

Yamamoto '302 discloses the claimed invention except it is not positively disclosed whether the material that make up the device are colored, opaque, transparent, translucent, etc. Wallace discloses a fishing rod having a handle that he teaches may be made of colored or transparent material for decorative purposes (Wallace, col.1, lns.59-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a transparent or translucent material as an obvious design choice in creating a preferable aesthetic appearance.

Regarding the concealing film and cover member recited claims 3 and 12, Yamamoto '302 discloses that the trigger portion 43a maybe made separable and attached by means of an adhesive (Yamamoto '302, col.4, lns.41-44). Said adhesive is readable on the limitation of a concealing film and trigger portion 43a is considered to be the cover member for covering a face portion of the resin body wher the concealing film is formed.

Conclusion

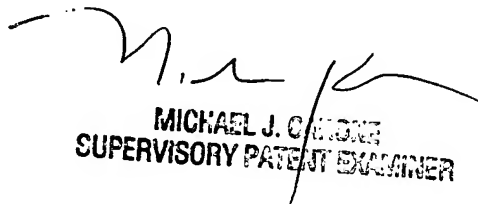
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897. The examiner can normally be reached on Monday-Friday, 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan C. Alimenti


MICHAEL J. C. MALONE
SUPERVISORY PATENT EXAMINER